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REPORT OF THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT

Report of the Second Committee

Rapporteur: Mr. Ahmed Yousif MOHAMED (Sudan)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Report of the International Conference on Population and Development". It also decided that the debate on the item would be held directly in plenary meeting, on the understanding that action on the item would be taken in the Second Committee.

2. The Second Committee considered the item at its 30th and 34th meetings, on 29 November and 13 December 1994. An account of the Committee's consideration of the item is contained in the relevant summary records (A/C.2/49/SR.30 and 34). Attention is also drawn to the general debate held by the Committee at its 3rd to 8th meetings, on 7 and 11 to 13 October 1994 (see A/C.2/49/SR.3-8).

3. For the consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General of the International Conference on Population and Development entitled "Synthesis of national reports on population and development" (A/49/482);

(b) Letter dated 12 July 1994 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General transmitting the final documents of the G-7 Summit, held at Naples from 8 to 10 July 1994 (A/49/228-S/1994/827);

(c) Letter dated 25 June 1994 from the Minister for Foreign Affairs of Egypt addressed to the Secretary-General transmitting the texts of the documents adopted by the Eleventh Ministerial Conference of the Movement of the Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994 (A/49/287-S/1994/894 and Corr.1);

(d) Letter dated 9 September 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General transmitting a statement on the International Conference on Population and Development adopted on 20 August 1994 in Guácimo de Limón, Costa Rica, by the Central American Presidents and by the Prime Minister of Belize as an observer (A/49/374);

(e) Letter dated 3 October 1994 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General transmitting the Ministerial Declaration of the Group of 77, adopted on 30 September 1994 (A/49/462 and Corr.1);

(f) Letter dated 11 October 1994 from the Permanent Representative of Bangladesh to the United Nations addressed to the Secretary-General transmitting the Declaration of the Ministerial Meeting of the Least Developed Countries, adopted in New York on 4 October 1994 (A/49/506);

(g) Letter dated 17 October 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the forty-ninth session of the General Assembly, held at United Nations Headquarters on 5 October 1994 (A/49/532-S/1994/1179);

(h) Letter dated 14 November 1994 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General transmitting the report of the Government of the Federal Republic of Yugoslavia on the problems of population development in the Federal Republic of Yugoslavia (A/C.2/49/11);

(i) Report of the International Conference on Population and Development (A/CONF.171/13 and Add.1).

II. CONSIDERATION OF PROPOSALS

A. Draft resolutions A/C.2/49/L.47 and L.74

4. At the 30th meeting, on 29 November, the representative of Algeria, on behalf of the States Members of the United Nations that are members of the Group of 77 and Mexico, introduced a draft resolution (A/C.2/49/L.47) entitled "United Nations conference on international migration and development", which read:

"The General Assembly,

"Reaffirming the permanent validity of the principles set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination against Women, 4/ and the Convention on the Rights of the Child, 5/

"Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to that resolution,

"Aware that, in spite of the existence of an already established body of principles, there is a need to make further efforts to improve the situation and to ensure the human rights and dignity of all migrants and their families,

"Having considered the report of the International Conference on Population and Development, 6/ which took place in Cairo from 5 to 13 September 1994,

"Bearing in mind that migration has positive consequences for development and different types of impacts in both sending and receiving countries,

"Emphasizing the importance of the integration of migrants into the host society with due respect of their religious and cultural background, and the need to extend to them the same social, economic and legal rights as are enjoyed by citizens,

"Recognizing the vital importance of family reunification and the promotion of such integration in order to ensure the protection of the unity of the families of migrants,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 34/180, annex.

5/ Resolution 44/25, annex.

6/ A/CONF.171/13 and Add.1.

"Welcoming the adoption of the Programme of Action of the International Conference on Population and Development 7/ and the broad support for the convening of a United Nations conference on international migration and development,

"Recalling the recommendations on the subject of international migration and development contained in the Programme of Action of the International Conference on Population and Development,

"1. Takes note with satisfaction of the report of the International Conference on Population and Development; 6/

"2. Decides to convene in 1997 a United Nations conference on international migration and development, of ten day's duration, at the highest possible level of participation;

"3. Decides to establish a preparatory committee for the United Nations Conference on International Migration and Development open to all States Members of the United Nations and members of the specialized agencies with the participation of observers, in accordance with the established practice of the Assembly;

"4. Decides that the Preparatory Committee shall hold an organizational session of three days' duration in 1995, and two sessions in 1996 and one session in 1997 of one week's duration each, at United Nations Headquarters;

"5. Also decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographical representation, a chairman, three vice-chairmen and a rapporteur;

"6. Further decides that the Preparatory Committee shall:

"(a) Prepare the draft provisional agenda and draft rules of procedure of the Conference;

"(b) Prepare draft decisions and recommendations to be presented to the Conference for consideration and adoption;

"7. Invites all States to participate actively in the preparatory process of the Conference;

"8. Calls upon all organs, organizations and programmes of the United Nations system, as well as other intergovernmental, regional and subregional organizations, to contribute fully to the preparations for the Conference;

7/ Ibid., chap. I, resolution 1, annex.

"9. Invites interested non-governmental organizations, particularly those from developing countries, to participate in and contribute to the Conference and its preparatory process, taking into account procedures used at recent United Nations conferences;

"10. Requests the Secretary-General to prepare a report for submission to the Preparatory Committee containing recommendations on an adequate preparatory process and measures to be taken to prepare for the Conference, including the need for regional and subregional preparatory meetings, taking into account the provisions of the present resolution;

"11. Decides that the preparatory process and the Conference itself shall be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities, and through voluntary contributions to a trust fund to be established specifically for the purpose of funding the preparatory process and the Conference;

"12. Decides to establish a separate voluntary fund for the purpose of supporting developing countries, in particular the least developed among them, in participating fully and effectively in the Conference and in its preparatory process, and invites Governments to contribute to the fund;

"13. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the progress made in the implementation of the present resolution;

"14. Decides to include in the provisional agenda of its fiftieth session an item entitled 'United Nations Conference on International Migration and Development'."

5. At the 34th meeting, on 13 December, the Vice-Chairman of the Committee, Mr. Arjan P. Hamburger (Netherlands), introduced a draft resolution (A/C.2/49/L.74) entitled "International migration and development", which he submitted on the basis of informal consultations held on draft resolution A/C.2/49/L.47.

6. At the same meeting, the Committee adopted draft resolution A/C.2/49/L.74 without a vote (see para. 16, draft resolution I).

7. After the adoption of the draft resolution, statements were made by the representatives of Belarus and the Philippines (see A/C.2/49/SR.34).

8. In the light of the adoption of draft resolution A/C.2/49/L.74, draft resolution A/C.2/49/L.47 was withdrawn by the sponsors.

B. Draft resolutions A/C.2/49/L.48 and L.67

9. At the 30th meeting, on 29 November, the representatives of Algeria, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, and Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a

draft resolution (A/C.2/49/L.48) entitled "Report of the International Conference on Population and Development", which read:

"The General Assembly,

"Recalling its resolutions 47/176 of 22 December 1992 and 48/186 of 21 December 1993 on the International Conference on Population and Development, and 48/162 of 20 December 1993 on the restructuring and revitalization of the United Nations in the economic, social and related fields,

"Recalling also Economic and Social Council resolutions 1989/91 of 26 July 1989, 1991/93 of 26 July 1991, 1992/37 of 30 July 1992, 1993/4 of 12 February 1993, and 1993/76 of 30 July 1993, in which the Council decided on the convening, mandate and preparatory process of the International Conference on Population and Development,

"Recalling further Economic and Social Council decision 1994/227 of 14 July 1994, by which the Council approved the provisional agenda and documentation for the twenty-eighth session of the Population Commission, including discussion of the implications of the recommendations of the International Conference on Population and Development,

"Recalling further Economic and Social Council resolutions 3 (III) of 3 October 1946, 150 (VII) of 10 August 1948 and 1985/4 of 28 May 1985 on the mandate of the Population Commission, as well as 1763 (LIV) of 18 May 1973 and 1986/7 of 21 May 1986 on the aims and purposes of the United Nations Population Fund,

"Reaffirming the importance and continued validity of the goals, principles and objectives established at the World Population Conference held in Bucharest in 1974 and the International Conference on Population held in Mexico City in 1984,

"Having considered the report of the International Conference on Population and Development, which took place in Cairo, Egypt, from 5 to 13 September 1994, 8/

"Acknowledging fully the interrelationship among population, sustained economic growth and sustainable development,

"Recognizing that the implementation of population and development policies and programmes is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized human rights,

"Expressing its satisfaction at the fact that the Conference and its preparatory process enabled the full and active involvement of States

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8/ A/CONF.171/13 and Add.1.

Members of the United Nations and the specialized agencies, and of observers and various intergovernmental organizations as well as representatives of non-governmental organizations, representing all regions of the world,

"Expressing its profound gratitude to the Government and people of Egypt for the hospitality extended to the participants at the Conference and for the facilities, staff and services placed at their disposal,

"1. Takes note with satisfaction of the report of the International Conference on Population and Development; 8/

"2. Endorses the Programme of Action of the International Conference on Population and Development 9/ as adopted on 13 September 1994;

"3. Acknowledges the contribution made by the Secretary-General of the United Nations and the Secretary-General of the Conference to the successful organization of the Conference;

"National, regional and international implementation of the Programme of Action

"4. Affirms that, in the implementation of the Programme of Action, Governments should commit themselves at the highest political level to achieving its goals and objectives, acknowledging the shared but differentiated responsibilities of all the world's peoples for a common future, and take a lead role in coordinating the implementation, monitoring and evaluation of follow-up actions;

"5. Calls upon all Governments, organizations of the United Nations system and other major groups concerned with population and development issues, including non-governmental organizations, parliamentarians and other community leaders, to give the widest possible dissemination to the Programme of Action and to seek public support for its goals, objectives and actions;

"6. Fully acknowledges that the factors of population, poverty, patterns of production and consumption, and the environment are so closely interconnected that none of them can be considered in isolation;

"7. Urges all countries to consider their current spending priorities with a view to making additional contributions for the implementation of the Programme of Action, taking into account the provisions of chapters XIII and XIV of the Programme of Action, and the economic constraints faced by developing countries;

"8. Acknowledges the importance of subregional and regional activities undertaken during preparations for the Conference, affirms the

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9/ Ibid., chap. I, resolution 1, annex.

ongoing importance of such commitment to population and development issues and calls upon relevant subregional and regional organizations, within their respective mandates, to play an active role in the implementation of the Programme of Action;

"9. Emphasizes that international cooperation in the field of population is essential for the implementation of the recommendations adopted at the Conference and, in that context, calls upon the international community to provide, both bilaterally and multilaterally, adequate and substantial international support and assistance for population activities, particularly through the United Nations Population Fund, in order to ensure full and consistent support for efforts directed at the implementation, at all levels, of the Programme of Action;

"10. Calls upon the organs and organizations of the United Nations system and the specialized agencies to undertake the actions required to give full and effective support to the implementation of the Programme of Action;

"11. Acknowledges the important contribution made by non-governmental groups and organizations from all regions to the Conference and its preparatory process and emphasizes the need to maintain and enhance such effective partnership contributions and cooperation in all aspects of population and development, so as to ensure the full implementation of the Programme of Action;

"Mobilizing resources for population and development

"12. Recognizes that the effective implementation of the Programme of Action will require an increased commitment of financial resources, both domestically and externally, and in this context calls upon the developed countries to intensify their efforts to transfer new and additional resources to the developing countries in order to ensure that population and development objectives and goals are met;

"13. Emphasizes the importance of the early identification and allocation of financial resources by all members of the international community, including regional financial institutions, to enable them to fulfil their commitments to the implementation of the Programme of Action;

"14. Requests the Secretary-General to consult with the various bodies of the United Nations system, as well as with international financial institutions and various bilateral aid organizations and agencies, with a view to promoting an exchange of information among them on the requirements for international assistance, reviewing on a regular basis the specific needs of countries in the field of population and development and maximizing the availability of resources and their most effective utilization;

"15. Invites the Secretary-General to prepare an estimate of the additional resources needed to ensure adequate follow-up activities by the United Nations;

"16. Requests the Secretary-General to prepare periodic reports for the substantive sessions of the Economic and Social Council on the financial flow of international resources for assisting in the implementation of the Programme of Action, both bilaterally and multilaterally, and to promote the exchange of information on the requirements for international assistance among the members of the donor community;

"17. Urges the international community to promote a supportive international economic environment by adopting favourable macroeconomic policies for promoting sustained economic growth and sustainable development;

"Institutional follow-up to the Conference

"18. Stresses the importance of continued and enhanced cooperation and coordination by all relevant units and organs of the United Nations system in the implementation of the Programme of Action;

"19. Emphasizes the need for follow-up activities relating to the Conference and the Programme of Action so as to utilize, to the fullest extent possible, existing capacity within the United Nations system in the area of population and development, in particular the Population Commission, the Population Division of the Department for Economic and Social Information and Policy Analysis of the Secretariat and the United Nations Population Fund;

"20. Requests all the specialized agencies and related organizations of the United Nations system to review and where necessary adjust their programmes and activities in line with the Programme of Action and take appropriate measures to ensure its full and effective implementation, taking into account the specific needs of developing countries, and to ensure that their actions in this regard are reported to the Economic and Social Council for coordination purposes and to the General Assembly at its fiftieth session for policy implications;

"21. Decides that the Population Commission shall be renamed the Commission on Population and Development and recommends that the Economic and Social Council review, at its substantive session of 1995, the terms of reference, the mandate, and the composition of the Commission which is to be expanded to 53 members, as well as the periodicity of its sessions which is to be an annual one, and in this context also decides that the Commission, so revitalized, shall be the principal intergovernmental mechanism to monitor, review and assess the implementation of the Programme of Action of the International Conference on Population and Development;

"22. Requests the Economic and Social Council, at its substantive session of 1995, to consider:

"(a) The establishment of a separate Executive Board of the United Nations Population Fund to ensure the operational follow-up of the International Conference on Population and Development and its Programme of Action;

"(b) The appropriate secretarial support arrangements;

"(c) The establishment of an appropriate inter-agency coordination, collaboration and harmonization mechanism;

"23. Also requests the Economic and Social Council, at its substantive session of 1995, to review the reporting procedures within the United Nations system regarding population and development issues;

"24. Further requests the Economic and Social Council:

"(a) To examine the results of a quinquennial review and appraisal of the progress made in achieving the goals and objectives of the Programme of Action;

"(b) To discuss relevant matters concerning the implementation of population and development programmes, as well as matters concerning harmonization, cooperation and collaboration within the United Nations system regarding the implementation of the Programme of Action;

"(c) To discuss the reports submitted by the different bodies and other bodies and organs on various matters related to the Programme of Action;

"25. Invites the governing body of the United Nations Population Fund to oversee, on a regular basis, the response of the Fund to the needs of countries regarding the implementation of the Programme of Action, in particular to the specific requests from developing countries for assistance in the preparation of national reports, within its area of competence and to report to the Economic and Social Council on this matter;

"26. Requests the Population Commission, at its twenty-eighth session, to review, within its area of competence, the Programme of Action and its implications for the activities of the United Nations system, including the implications for the Commission itself, and to transmit its views to the Economic and Social Council at its substantive session of 1995;

"27. Requests the Secretary-General to report, through the Economic and Social Council, to the General Assembly at its fiftieth session on the implementation of the present resolution;

"28. Decides to include in the agenda of its forthcoming sessions an item entitled 'Implementation of the Programme of Action of the International Conference on Population and Development'."

10. On 6 December, a statement on the programme budget implications of draft resolution A/C.2/49/L.48, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, was circulated in document A/C.2/49/L.57.

11. At the 34th meeting, on 13 December, the Vice-Chairman of the Committee, Mr. Arjan P. Hamburger (Netherlands), introduced a draft resolution (A/C.2/49/L.67), which he submitted on the basis of informal consultations held on draft resolution A/C.2/49/L.48.

12. The Committee also had before it a statement on the programme budget implications of draft resolution A/C.2/49/L.67, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.2/49/L.71).

13. At its 34th meeting, on 13 December, the Committee adopted draft resolution A/C.2/49/L.67 without a vote (see para. 16, draft resolution II).

14. In the light of the adoption of draft resolution A/C.2/49/L.67, draft resolution A/C.2/49/L.48 was withdrawn by the sponsors.

C. Report of the Secretary-General of the International Conference on Population and Development entitled "Synthesis of national reports on population and development"

15. At its 34th meeting, on 13 December, upon the proposal of the Chairman, the Committee decided without a vote to recommend to the General Assembly that it take note of the report of the Secretary-General of the International Conference on Population and Development entitled "Synthesis of national reports on population and development" (see para. 17, draft decision).

III. RECOMMENDATIONS OF THE SECOND COMMITTEE

16. The Second Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International migration and development

The General Assembly,

Reaffirming the continuing validity of the principles set forth in the instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 10/ the

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10/ Resolution 217 A (III).

International Covenants on Human Rights, 11/ the International Convention on the Elimination of All Forms of Racial Discrimination, 12/ the Convention on the Elimination of All Forms of Discrimination against Women 13/ and the Convention on the Rights of the Child, 14/

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to that resolution,

Aware that, in spite of the existence of an already established body of principles, there is a need to make further efforts to ensure the human rights and dignity of all migrants and their families and that it is desirable to improve the situation of all documented migrants and their families,

Having considered the report of the International Conference on Population and Development, 15/ held at Cairo from 5 to 13 September 1994,

Bearing in mind that orderly international migration can have positive impacts upon development and varied impacts upon both sending and receiving countries,

Emphasizing the importance of the integration of documented migrants into the host society, with due respect for their religious and cultural background, and the need to extend to them the same social, economic and legal rights as are enjoyed by citizens, in accordance with national legislation and universally recognized human rights,

Recalling that, in accordance with article 10 of the Convention on the Rights of the Child and all other relevant universally recognized human rights instruments, all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its integration into their national legislation in order to ensure the protection of the unity of the families of documented migrants,

Welcoming the adoption of the Programme of Action of the International Conference on Population and Development, 16/ and noting the broad support for the convening of a United Nations conference on international migration and development,

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11/ See resolution 2200 A (XXI), annex.

12/ Resolution 2106 A (XX), annex.

13/ Resolution 34/180, annex.

14/ Resolution 44/25, annex.

15/ A/CONF.171/13 and Add.1.

16/ Ibid., chap. I, resolution 1, annex.

Recalling the recommendations with regard to international migration and development contained in the Programme of Action of the International Conference on Population and Development,

1. Takes note with satisfaction of the report of the International Conference on Population and Development; 15/

2. Requests the Secretary-General to prepare, in consultation with all States and relevant international and regional organizations, a report on international migration and development, including aspects related to objectives and modalities for the convening of a United Nations conference on international migration and development, to be submitted to the Economic and Social Council at its substantive session of 1995 for discussion;

3. Also requests the Secretary-General, on the basis of the discussion held in the Economic and Social Council, to report on the subject to the General Assembly at its fiftieth session for a decision, inter alia, on the convening of a United Nations conference on international migration and development;

4. Decides to include in the provisional agenda of its fiftieth session an item entitled "International migration and development, including the convening of a United Nations conference on international migration and development".

DRAFT RESOLUTION II

Report of the International Conference on Population and Development

The General Assembly,

Recalling its resolutions 47/176 of 22 December 1992 and 48/186 of 21 December 1993 on the International Conference on Population and Development, and 48/162 of 20 December 1993 on the restructuring and revitalization of the United Nations in the economic, social and related fields,

Recalling also Economic and Social Council resolutions 1989/91 of 26 July 1989, 1991/93 of 26 July 1991, 1992/37 of 30 July 1992, 1993/4 of 12 February 1993 and 1993/76 of 30 July 1993, in which the Council decided on the convening, mandate and preparatory process of the International Conference on Population and Development,

Recalling further Economic and Social Council decision 1994/227 of 14 July 1994, by which the Council approved the provisional agenda and documentation for the twenty-eighth session of the Population Commission, including discussion of the implications of the recommendations of the International Conference on Population and Development,

Recalling Economic and Social Council resolutions 3 (III) of 3 October 1946, 150 (VII) of 10 August 1948 and 1985/4 of 28 May 1985 on the mandate of the Population Commission, as well as 1763 (LIV) of 18 May 1973 and

1986/7 of 21 May 1986 on the aims and purposes of the United Nations Population Fund,

Having considered the report of the International Conference on Population and Development, 17/ held at Cairo, from 5 to 13 September 1994,

Reaffirming the importance of the outcome of the World Population Conference, held at Bucharest in 1974, and the International Conference on Population, held at Mexico City in 1984, and acknowledging fully the integrated approach taken during the International Conference on Population and Development, which recognizes the interrelationship among population, sustained economic growth and sustainable development,

Recognizing that the implementation of the recommendations contained in the Programme of Action of the International Conference on Population and Development 18/ is the sovereign right of every country, in accordance with its national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its peoples and in conformity with universally recognized international human rights,

Expressing its belief in the contribution that the outcome of the International Conference on Population and Development will make to the forthcoming World Summit for Social Development, the Fourth World Conference on Women and the second United Nations Conference on Human Settlements (Habitat II), in particular with regard to the call for a greater investment in people and for the empowerment of women to ensure their full participation at all levels in the social, economic and political lives of their communities,

Expressing its satisfaction at the fact that the International Conference on Population and Development and its preparatory process enabled the full and active involvement of States Members of the United Nations and the specialized agencies, of observers and various intergovernmental organizations and of representatives of non-governmental organizations representing all regions of the world,

Expressing its profound gratitude to the Government and people of Egypt for the hospitality extended to the participants at the Conference and for the facilities, staff and services placed at their disposal,

1. Takes note with satisfaction of the report of the International Conference on Population and Development; 17/

2. Endorses the Programme of Action of the International Conference on Population and Development; 18/ adopted on 13 September 1994;

17/ A/CONF.171/13 and Add.1.

18/ Ibid., chap. I, resolution 1, annex.

3. Acknowledges the contribution made by the Secretary-General of the United Nations and the Secretary-General of the Conference to the successful organization of the Conference;

4. Affirms that, in the implementation of the Programme of Action, Governments should commit themselves at the highest political level to achieving its goals and objectives, which reflect a new, integrated approach to population and development, and take a lead role in coordinating the implementation, monitoring and evaluation of follow-up actions;

5. Calls upon all Governments, organizations of the United Nations system and other major groups concerned with population and development issues, including intergovernmental and non-governmental organizations, parliamentarians and other community leaders, to give the widest possible dissemination to the Programme of Action and to seek public support for its goals, objectives and actions;

6. Fully acknowledges that the factors of population, health, education, poverty, patterns of production and consumption, empowerment of women and the environment are closely interconnected and should be considered through an integrated approach, and that the follow-up to the Conference must reflect this fact;

7. Urges all countries to consider their current spending priorities with a view to making additional contributions for the implementation of the Programme of Action, taking into account the provisions of chapters XIII and XIV of the Programme of Action and the economic constraints faced by developing countries, in particular the least developed among them;

8. Acknowledges the importance of the subregional and regional activities undertaken during the preparations for the Conference, including the regional strategies, plans and declarations adopted as part of that process, and invites the regional commissions, other regional and subregional organizations and the development banks to examine the results of the Conference within their respective mandates, for the follow-up and implementation of the Programme of Action at the regional level;

9. Emphasizes that international cooperation in the field of population and development is essential for the implementation of the recommendations adopted at the Conference, and in this context calls upon the international community to provide, both bilaterally and multilaterally, adequate and substantial support and assistance for population and development activities, including through the United Nations Population Fund and other organs and organizations of the United Nations system and the specialized agencies that will be involved in the implementation, at all levels, of the Programme of Action;

10. Calls upon the organs and organizations of the United Nations system and the specialized agencies to undertake the actions required to give full and effective support to the implementation of the Programme of Action;

11. Emphasizes the need to maintain and enhance effective partnership with non-governmental groups and organizations so as to ensure their continued contributions and cooperation within all aspects of population and development, and urges all countries to establish appropriate national follow-up mechanisms, in partnership with non-governmental organizations, community groups and representatives of the media and the academic community, and to seek the support of parliamentarians, so as to ensure the full implementation of the Programme of Action;

12. Recognizes the importance of South-South cooperation in the implementation of the Programme of Action;

13. Also recognizes that the effective implementation of the Programme of Action will require an increased commitment of financial resources, both domestically and externally, and in this context calls upon the developed countries to complement the national financial efforts of developing countries on population and development and intensify their efforts to transfer new and additional resources to the developing countries, in accordance with the relevant provisions of the Programme of Action, in order to ensure that population and development objectives and goals are met;

14. Acknowledges that countries with economies in transition should receive temporary assistance for population and development activities in view of the difficult economic and social problems faced by these countries at present, and therefore suggests that the specialized agencies and all related organizations of the United Nations system should adjust, on this basis, their programmes and activities in line with the Programme of Action and take appropriate measures to ensure its full and effective implementation;

15. Emphasizes the importance of the early identification and allocation of financial resources by all members of the international community, including regional financial institutions, to enable them to fulfil their commitments with regard to the implementation of the Programme of Action;

16. Requests the Secretary-General to consult with the various bodies of the United Nations system, as well as with international financial institutions and various bilateral aid organizations and agencies, with a view to promoting an exchange of information among them on the requirements for international assistance, reviewing on a regular basis the specific needs of countries in the field of population and development and maximizing the availability of resources and their most effective utilization;

17. Invites the Secretary-General to ensure that adequate resources are provided for the Conference follow-up activities of the United Nations Secretariat during 1995;

18. Requests the Secretary-General to prepare periodic reports for the substantive sessions of the Economic and Social Council on the flow of financial resources for assisting in the implementation of the Programme of Action and to promote the exchange of information on the requirements for international assistance among the members of the donor community;

19. Urges the international community to promote a supportive international economic environment by adopting favourable macroeconomic policies for promoting sustained economic growth and sustainable development;

20. Stresses the importance of continued and enhanced cooperation and coordination by all relevant organs, organizations and programmes of the United Nations system and the specialized agencies in the implementation of the Programme of Action;

21. Emphasizes the need for follow-up activities relating to the Conference and the Programme of Action so as to utilize, to the fullest extent possible, existing capacity within the United Nations system in the area of population and development, including the Population Commission, the Population Division of the Department for Economic and Social Information and Policy Analysis of the United Nations Secretariat and the United Nations Population Fund, as well as other organizations, programmes and funds of the United Nations and the specialized agencies whose support and commitment are required for the successful implementation of the full range of activities outlined in the Programme of Action;

22. Requests the specialized agencies and all related organizations of the United Nations system to review and, where necessary, adjust their programmes and activities in line with the Programme of Action and take appropriate measures to ensure its full and effective implementation, taking into account the specific needs of developing countries, and invites them to report to the Economic and Social Council at its substantive session of 1995 for coordination purposes and to the General Assembly at its fiftieth session for policy implications;

23. Decides that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with Assembly resolution 48/162, and a revitalized Population Commission shall constitute a three-tiered intergovernmental mechanism that will play the primary role in the follow-up to the implementation of the Programme of Action, keeping in mind the need to develop a common framework for a coherent follow-up to United Nations summits and conferences, and to this end:

(a) The General Assembly, being the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the follow-up to the International Conference on Population and Development, will organize a regular review of the implementation of the Programme of Action;

(b) The Economic and Social Council, in assisting the General Assembly, will promote an integrated approach, provide system-wide coordination and guidance in the monitoring of the implementation of the Programme of Action and make recommendations thereon;

(c) The revitalized Population Commission, as a functional commission assisting the Economic and Social Council, will monitor, review and assess the implementation of the Programme of Action at the national, regional and international levels and advise the Council thereon;

24. Also decides that, to emphasize the new and comprehensive approach to population and development embodied in the Programme of Action, the revitalized Population Commission shall be renamed the Commission on Population and Development;

25. Further decides that the Commission on Population and Development shall meet on an annual basis, beginning in 1996;

26. Recommends that the Economic and Social Council review, at its substantive session of 1995, the Commission's terms of reference and mandate so as to bring them fully into line with the provisions of paragraph 23 (c);

27. Also recommends that the Economic and Social Council, pursuant to the decisions made on the terms of reference and enhanced mandate of the revitalized Commission, should consider at its substantive session of 1995 the composition of the Commission, in order to ensure that the Commission fully fulfils its functions as provided in paragraph 23, taking into account the integrated multidisciplinary and comprehensive approach of the Programme of Action as well as the membership of the other functional commissions of the Council;

28. Requests the Economic and Social Council, at its substantive session of 1995, to consider:

(a) The establishment of a separate executive board of the United Nations Population Fund;

(b) The submission of recommendations to the Secretary-General concerning secretariat support and coordination arrangements for the United Nations system;

(c) The submission of recommendations to the Secretary-General regarding the establishment of an appropriate inter-agency coordination, collaboration and harmonization mechanism for the implementation of the Programme of Action;

29. Also requests the Economic and Social Council, at its substantive session of 1995, to review the reporting procedures within the United Nations system regarding population and development issues, including a quinquennial review and appraisal of the progress made in achieving the goals and objectives of the Programme of Action, in order to ensure full support for its implementation, bearing in mind the reporting procedures for all United Nations conferences in the economic and social field;

30. Requests the Secretary-General, in consultation with States, to prepare a report on institutional follow-up issues and reporting procedures in the United Nations system, to be submitted to the Economic and Social Council at its substantive session of 1995;

31. Requests the Economic and Social Council:

(a) To discuss the relevant matters concerning the implementation of population and development programmes, as well as matters concerning harmonization, cooperation and collaboration within the United Nations system regarding the implementation of the Programme of Action;

(b) To discuss the reports submitted by the different bodies and organs on various matters related to the Programme of Action;

32. Invites the governing body of the United Nations Population Fund to oversee, on a regular basis, the response of the Fund to the needs of countries regarding activities to strengthen national population and development programmes, including the specific requests from developing countries for assistance in the preparation of national reports, within its area of competence, and to report to the Economic and Social Council on this matter;

33. Calls upon the programmes of the United Nations system and the regional commissions and funds to provide their full and active support to the implementation of the Programme of Action, particularly at the field level, through the United Nations resident coordinator system, and invites the relevant specialized agencies to do the same;

34. Requests the Commission on Population and Development, at its twenty-eighth session, to review, within its area of competence, the Programme of Action and its implications and to transmit its views to the Economic and Social Council at its substantive session of 1995;

35. Requests the Secretary-General to report, through the Economic and Social Council, to the General Assembly at its fiftieth session on the implementation of the present resolution;

36. Decides to include in the agenda of its forthcoming sessions, within existing clusters, an item entitled "Implementation of the Programme of Action of the International Conference on Population and Development".

* * *

17. The Second Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General of the International Conference on Population and Development entitled "Synthesis of national reports on population and development"

The General Assembly takes note of the report of the Secretary-General of the International Conference on Population and Development entitled "Synthesis of national reports on population and Development". 19/

19/ A/49/482.

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Forty-ninth session
Agenda item 133

OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNANDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States" was included in the provisional agenda of the forty-ninth session of the General Assembly, pursuant to Assembly resolution 47/29 of 25 November 1992.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/49/325).

4. The Sixth Committee considered the item at its 6th and 37th meetings, on 5 October and 17 November 1994. The summary records of those meetings are contained in documents A/C.6/49/SR.6 and 37.

II. CONSIDERATION OF DRAFT DECISION A/C.6/49/L.7

5. At the 37th meeting, on 17 November, the Chairman introduced a draft decision entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States (A/C.6/49/L.7).

6. At the same meeting, the Committee adopted draft decision A/C.6/49/L.7 without a vote (see para. 8).

7. The representative of Israel made a statement in explanation of position after the adoption of the draft decision (see A/C.6/49/SR.37).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States

The General Assembly, taking note of the report of the Secretary-General on observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States, 1/ decides to give further consideration to this question at a future session of the General Assembly.

1/ A/49/325.

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Forty-ninth session
Agenda item 134

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNANDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the forty-ninth session of the General Assembly, pursuant to Assembly resolution 47/30 of 25 November 1992.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the Secretary-General (A/49/255 and Corr.1 and Add.1);

(b) Note by the Secretary-General (A/49/566-S/1994/1198).

4. The Sixth Committee considered the item at its 6th, 7th and 39th meetings, on 5 and 6 October and 23 November 1994. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/49/SR.6, 7 and 39).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/49/L.19

5. At the 39th meeting, on 23 November 1994, the representative of Sweden on behalf of Algeria, Australia, Austria, Bangladesh, Belarus, Canada, Chile, Denmark, Egypt, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, the Netherlands, New Zealand, Norway, the Republic of Moldova, Romania, the Russian Federation, Sweden and Ukraine, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/49/L.19). Subsequently, Belgium, Hungary and Spain joined in sponsoring the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.19 without a vote (see para. 8).

7. The representative of Israel made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/49/SR.39).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990 and 47/30 of 25 November 1992,

Having considered the report of the Secretary-General 1/ on the status of the Protocols 2/ Additional to the Geneva Conventions of 1949 3/ and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

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1/ A/49/255 and Add.1 and Corr.1.

2/ United Nations Treaty Series, vol. 1125, Nos. 17512 and 17513.

3/ Ibid., vol. 75, Nos. 970-973.

Noting with satisfaction that, pursuant to article 90 of Additional Protocol I, the International Fact-Finding Commission has become operational,

Noting the fact that annex I of Additional Protocol I has been revised,

Stressing the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and to disseminate knowledge of the two additional Protocols,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Notes, however, the fact that, in comparison with the Geneva Conventions, the number of States parties to the two additional Protocols is still limited;

3. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

4. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

5. Takes note of the Final Declaration adopted at the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, 4/ reaffirming the necessity of preventive measures and of making the implementation of international humanitarian law more effective;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on the status of the additional Protocols based on information received from Member States;

7. Decides to include in the provisional agenda of its fifty-first session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

4/ A/48/742, annex.

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CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNÁNDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the agenda of the forty-ninth session of the General Assembly, pursuant to Assembly resolution 47/31 of 25 November 1992.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Reports of the Secretary-General (A/INF/48/4 and A/49/295 and Add.1 and 2);

(b) Letter dated 8 July 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/49/224).

4. The Committee considered the item at its 6th, 7th and 39th meetings, on 5 and 6 October and 23 November 1994. The summary records of those meetings contain the views of representatives who spoke during the Committee's consideration of the item (A/C.6/49/SR.6, 7 and 39).

5. At the 6th meeting, on 5 October, the Under-Secretary-General, the Legal Council, introduced the reports of the Secretary-General (see A/C.6/49/SR.6).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/49/L.23

6. At the 39th meeting, on 23 November, the representative of Finland, on behalf of Argentina, Austria, Canada, Chile, the Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, the Netherlands, Norway, the Republic of Moldova, Romania, the Russian Federation, Sweden, Turkey and Uruguay introduced a draft resolution entitled "Consideration of measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/49/L.23). Subsequently, Ukraine joined in sponsoring the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.23 without a vote (see para. 9).

8. The representative of Mexico made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/49/SR.39).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General, 1/

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the repeated acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

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1/ A/49/295 and Add.1 and 2.

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. Takes note of the report of the Secretary-General;

2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. Urges States to observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;

5. Recommends that States should cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

6. Urges States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. Recommends that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;

8. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

11. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

12. Decides to include in the provisional agenda of its fifty-first session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

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Agenda item 136

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNANDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the forty-ninth session of the General Assembly pursuant to paragraph 15 of Assembly resolution 48/30 of 9 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the Secretary-General (A/49/323 and Add.1 and 2) on the implementation of the programme for the second term (1993-1994) of the Decade during the past year, containing also views on possible activities for the next term of the Decade and, as an annex, the revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, prepared by the International Committee of the Red Cross;

(b) Letter dated 3 May 1994 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General (A/49/151-S/1994/537);

(c) Letter dated 18 November 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/C.6/49/5).

4. At its previous session, the General Assembly, in paragraph 1 of its resolution 48/30, had requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-ninth session in accordance with its mandate and methods of work. Pursuant to that request, the Sixth Committee, at its 6th meeting, on 5 October 1994, elected Mr. Ernst K. Martens (Germany) Chairman of the Working Group for the session. The Working Group held three meeting between 2 and 11 November.

5. At the 34th meeting of the Sixth Committee, on 15 November, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/49/L.10).

6. The Sixth Committee considered the item, as well as the report of the Working Group, at its 34th to 37th and 41st meetings, from 15 to 17 and on 29 November. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/49/SR.34-37 and 41).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/49/L.29

7. At the 41st meeting, on 29 November, the Chairman of the Working Group introduced a draft resolution entitled "United Nations Decade of International Law" (A/C.6/49/L.29), proposed by him.

8. At the same meeting, the Sixth Committee adopted draft resolution A/C.6/49/L.29 without a vote (see para. 10).

9. A statement in explanation of position was made by the United States of America after the adoption of the draft resolution (see A/C.6/49/SR.41).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 47/32 of 25 November 1992, to which was annexed the programme for the activities for the second term (1993-1994) of the Decade,

Expressing its appreciation to the Secretary-General for his report 1/ submitted pursuant to resolution 48/30 of 9 December 1993,

Having considered the above-mentioned report of the Secretary-General, including the annex thereto,

Recalling that at its forty-fifth session the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that at its forty-sixth, forty-seventh, forty-eighth and forty-ninth sessions the Sixth Committee reconvened the Working Group to continue its work in accordance with resolutions 45/40 of 28 November 1990, 46/53 of 9 December 1991, 47/32 and 48/30,

Having considered the report of the Working Group submitted to the Sixth Committee, 2/

1. Expresses its appreciation to the Sixth Committee for the elaboration, within the framework of its Working Group on the United Nations Decade of International Law, of the programme for the activities to be commenced during the third term (1995-1996) of the Decade, and requests the Working Group to continue its work at the fiftieth session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the second term (1993-1994) of the Decade, including sponsoring conferences on various subjects of international law;

1/ A/49/323 and Add.1 and 2.

2/ A/C.6/49/L.10.

3. Adopts the programme for the activities for the third term (1995-1996) of the United Nations Decade of International Law as an integral part of the present resolution, to which it is annexed;

4. Invites all States and international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and to provide information in this respect to the Secretary-General for transmission to the General Assembly at its fiftieth session or, at the latest, its fifty-first session;

5. Requests the Secretary-General to submit, on the basis of such information as well as new information on the activities of the United Nations relevant to the progressive development of international law and its codification, a report to the General Assembly at its fiftieth session on the implementation of the programme;

6. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

7. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

8. Requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to the present resolution;

9. Also requests the Secretary-General to proceed with the organization of the United Nations Congress on Public International Law, to be held from 13 to 17 March 1995, within existing resources and assisted by voluntary contributions, taking into account the guidance provided at the forty-eighth and forty-ninth sessions of the General Assembly, and to keep the Member States informed of the status of the preparations;

10. Recognizes that international humanitarian law remains an area of particular relevance, and in this connection notes that an intergovernmental meeting of experts will be convened by the Government of Switzerland in January 1995 in order to prepare a report on practical means of promoting full respect for and compliance with international humanitarian law;

11. Invites all States to disseminate widely the revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict 3/ received from the International Committee of the Red Cross and to give due consideration to the possibility of incorporating them into their military manuals and other instructions addressed to their military personnel;

3/ A/49/323, annex.

12. Invites the International Committee of the Red Cross to continue to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict, so that the information received may be included in the report to be prepared pursuant to paragraph 5 of the present resolution;

13. Decides to include in the provisional agenda of its fiftieth session the item entitled "United Nations Decade of International Law".

ANNEX

Programme for the activities for the third term (1995-1996) of the United Nations Decade of International Law

I. PROMOTION OF THE ACCEPTANCE OF AND RESPECT FOR THE PRINCIPLES OF INTERNATIONAL LAW

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme for the United Nations Decade of International Law, calls upon States to act in accordance with international law, and particularly the Charter of the United Nations, and encourages States and international organizations to promote the acceptance of and respect for the principles of international law.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties, and if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties, in accordance with their national legal systems.

4. States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

5. The General Assembly, recognizing the importance of the protection of cultural property in the event of armed conflict, takes note of the efforts under way to facilitate the implementation of existing international instruments in this field.

II. PROMOTION OF MEANS AND METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES, INCLUDING RESORT TO AND FULL RESPECT FOR THE INTERNATIONAL COURT OF JUSTICE

1. States, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

2. Taking into account the suggestions mentioned in paragraph 1 of the present section and with due regard to the recommendations contained in the report of the Secretary-General entitled "An Agenda for Peace", 4/ the Sixth Committee should consider, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or of the Working Group on the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods for early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of cooperation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes;

(e) Wider use of the Permanent Court of Arbitration.

4/ A/47/277-S/24111.

III. ENCOURAGEMENT OF THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

1. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission. Such information should be presented in a report by the Secretary-General to the Sixth Committee.

2. On the basis of the information mentioned in paragraph 1 of the present section, States are invited to submit suggestions for consideration by the Sixth Committee and, as appropriate, recommendations. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development of codification.

3. The Sixth Committee should study, taking into account General Assembly resolution 684 (VII) of 6 November 1952, 5/ its coordinating role with respect, inter alia, to the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly. States are invited to present proposals in this regard to the Sixth Committee.

4. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue to study possible measures to strengthen the United Nations system for the maintenance of international peace and security. In that context, the Special Committee should bear in mind the debate within the United Nations, particularly within the General Assembly, on the report of the Secretary-General entitled "An Agenda for Peace".

IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment

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5/ See annex II to the rules of procedure of the General Assembly (A/520/Rev.15).

of such institutions where they might not exist, particularly in the developing countries. States and other public or private bodies are encouraged to contribute to the strengthening of the Programme.

2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

4. States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

5. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, The Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.

6. In connection with the training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross. 3/

7. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

8. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

9. States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.

10. The Secretary-General of the United Nations, in cooperation with the Registry of the International Court of Justice, is encouraged to update the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991), in all the official languages of the Organization and within the existing overall level of appropriations.

11. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

12. International organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

V. PROCEDURES AND ORGANIZATIONAL ASPECTS

1. The Sixth Committee, working primarily through its Working Group on the United Nations Decade of International Law and with the assistance of the Secretariat, will be the coordinating body of the programme for the Decade. The question of the use of an intra-sessional, inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

2. The Sixth Committee is requested to continue to prepare the programme of activities for the Decade.

3. The Secretariat should proceed with the organization of the United Nations Congress on Public International Law to be held from 13 to 17 March 1995, within existing resources and assisted by voluntary contributions, taking into account the guidance provided at the forty-eighth and forty-ninth sessions of the General Assembly, and keep the Member States informed of the status of the preparations.

4. All organizations and institutions referred to and invited to submit reports to the Secretary-General under sections I to IV above are requested to submit interim or final reports preferably at the fiftieth session but not later than the fifty-first session of the General Assembly.

5. States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

6. It is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

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REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SIXTH SESSION

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNÁNDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Report of the International Law Commission on the work of its forty-sixth session" and to allocate it to the Sixth Committee.

2. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the International Law Commission on the work of its forty-sixth session; 1/

(b) Note by the Secretary-General containing the text of the draft articles adopted by the International Law Commission on topics considered at its forty-sixth session (A/49/355);

(c) Letter dated 4 November 1994 from the Acting Permanent Representative of Japan to the United Nations addressed to the Secretary-General (A/C.6/49/3);

(d) Letter dated 18 November 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/C.6/49/5).

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10).

3. The Sixth Committee considered the item at its 16th to 28th meetings, from 24 October to 4 November, and at its 40th and 41st meetings, on 25 and 29 November 1994. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/49/SR.16-28, 40 and 41).

4. At the 16th meeting, on 24 October, the Chairman of the International Law Commission at its forty-sixth session introduced the Commission's report on the work of that session. At the 28th meeting, on 4 November, the Chairman of the Commission made a closing statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/49/L.22

5. At its 41st meeting, on 29 November, the Committee had before it a draft resolution submitted by its Chairman, entitled "Report of the International Law Commission on the work of its forty-sixth session" (A/C.6/49/L.22).

6. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.22 without a vote (see para. 32, draft resolution I).

7. A statement in explanation of position was made by the representative of Cameroon (see A/C.6/49/SR.41).

B. Draft resolution on the draft articles on the law of the non-navigational uses of international watercourses

8. At its 40th meeting, on 25 November, the Committee had before it a draft resolution submitted by its Chairman, entitled "Draft articles on the law of the non-navigational uses of international watercourses" (A/C.6/49/L.27), which read:

"The General Assembly,

"Having considered chapter III of the report of the International Law Commission on the work of its forty-sixth session, 1/ which contains final draft articles of and commentaries on the law of the non-navigational uses of international watercourses,

"Noting that the Commission decided to recommend the draft articles to the General Assembly, and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,

"Mindful of Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

"Believing that successful codification and progressive development of the rules of international law governing the non-navigational uses of international watercourses would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

"Taking into account the existence of bilateral or multilateral agreements governing the non-navigational uses of international watercourses, which should not be affected by the adoption of a new international instrument unless the parties to those agreements have otherwise decided,

"1. Expresses its appreciation to the International Law Commission for its valuable work on the law of the non-navigational uses of international watercourses, and to the successive special rapporteurs for their contribution to that work;

"2. Invites States to submit, not later than 1 August 1995, written comments and observations on the draft articles adopted by the International Law Commission;

"3. Decides that, at the beginning of its fiftieth session, the Sixth Committee shall convene as a Working Group of the Whole for three weeks from 2 to 20 October 1995 to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission in the light of the written comments of States as well as views expressed in the debate at the forty-ninth session of the General Assembly;

"4. Also decides that the Working Group of the Whole shall, without prejudice to the rules of procedure of the General Assembly, follow the methods of work and procedures outlined in the annex to the present resolution, subject to any modifications which it may deem appropriate;

"5. Requests the Secretary-General to arrange for the presence of the Special Rapporteur on the law of the non-navigational uses of international watercourses as an expert during the debates on the topic at the fiftieth session of the General Assembly, and to submit at that session all relevant documentation;

"6. Decides to include in the provisional agenda of its fiftieth session an item entitled 'Convention on the law of the non-navigational uses of international watercourses'.

"ANNEX

"Methods of work and procedures

"The draft articles prepared by the International Law Commission shall be the basic proposal before the Working Group of the Whole.

"The Working Group of the Whole shall start at once with a discussion of the draft articles on an article by article basis, without prejudice to

the possibility of considering simultaneously closely connected articles, the decisions on article 2 on 'Use of terms' being reserved for the concluding stages of the work.

"The Working Group of the Whole shall establish a Drafting Committee. The Chairman of the Working Group shall determine the composition of the Drafting Committee. The Drafting Committee shall elect its own Chairman.

"Once considered by the Working Group of the Whole, each article or group of articles shall be referred to the Drafting Committee for examination in the light of the discussion.

"The Drafting Committee shall make recommendations to the Working Group of the Whole in relation to each article or group of articles. It shall also prepare and present to the Working Group of the Whole, for its approval, a draft preamble and a set of final clauses.

"The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly."

9. Amendments to the draft resolution A/C.6/49/L.27 were proposed by Bangladesh (A/C.6/49/L.28), by which:

(a) In operative paragraph 2, the date 1 August 1995 would be replaced with 1 January 1996;

(b) A new operative paragraph would be inserted after operative paragraph 2, reading:

"Requests the Secretary-General to circulate not later than 15 February 1996 written comments and observations submitted by States on the subject";

(c) Operative paragraph 3 would be replaced with the following:

"3. Decides to convene an international conference of plenipotentiaries to elaborate and conclude a convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles recommended by the International Law Commission, the written comments and observations of States submitted under operative paragraph 2, and the views expressed in the debate on the subject at the forty-ninth session of the General Assembly";

(d) Operative paragraph 4 would be replaced with the following:

"4. Also decides that the date and place of the conference shall be determined at the fiftieth session of the General Assembly, due consideration being given to the need for adequate preparatory work, circulation of the comments of States and previous reports of the Special

Rapporteurs of the International Law Commission on this subject with a view to ensuring the widest possible agreement at the conference";

(e) The annex would be deleted.

10. At its 41st meeting, on 29 November, the Committee had before it a revised draft resolution (A/C.6/49/L.27/Rev.1) submitted by its Chairman.

11. Also at the 41st meeting, it was announced that the amendments submitted by Bangladesh (A/C.6/49/L.28) were not insisted upon.

12. At the same meeting, the representative of the Sudan requested a separate vote on the penultimate preambular paragraph of the revised draft resolution.

13. Statements in explanation of position on the penultimate preambular paragraph of the draft resolution were made by the representatives of France, Canada and Slovakia (see A/C.6/49/SR.41).

14. By a recorded vote of 93 to 2, with 20 abstentions, the Committee decided to retain the penultimate preambular paragraph of revised draft resolution A/C.6/49/L.27/Rev.1. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Djibouti, Egypt, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Sierra Leone, Singapore, Slovakia, Spain, Suriname, Sweden, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia.

Against: Ethiopia, Sudan.

Abstaining: Botswana, Cuba, Ecuador, Fiji, Guyana, Haiti, India, Iran (Islamic Republic of), Iraq, Kenya, Lesotho, Mozambique, Niger, Nigeria, Sri Lanka, Swaziland, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

15. The Committee then adopted draft resolution A/C.6/49/L.27/Rev.1, as a whole, without a vote (see para. 32, draft resolution II).

16. Statements in explanation of position on the draft resolution were made by the representatives of the Sudan and Ethiopia (see A/C.6/49/SR.41).

C. Draft resolution on the establishment of an international criminal court

17. The Committee initially had before it a draft resolution entitled "Question of the establishment of an international criminal court" (A/C.6/49/L.5) submitted by Costa Rica, Japan, Romania, the United Kingdom of Great Britain and Northern Ireland and the United States of America, later joined by the Republic of Korea and the Republic of Moldova, which read:

"The General Assembly,

"Recalling its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of a draft statute for an international criminal court with a view to elaborating a draft statute if possible at its forty-sixth session in 1994,

"Noting with satisfaction that the International Law Commission has completed its work on such a draft statute, 2/

"Recognizing the contribution now being made by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

"1. Expresses its appreciation to the International Law Commission for having elaborated and presented a draft statute for the establishment of an international criminal court;

"2. Decides to establish an ad hoc committee open to all Member States to prepare for decisions at the fiftieth session in connection with consideration of the draft statute prepared by the International Law Commission;

"3. Requests the Ad Hoc Committee to review the major substantive and administrative issues relating to the establishment of an international criminal court, including issues arising out of the report of the International Law Commission 1/ and to provide its views and conclusions to the General Assembly at its fiftieth session;

"4. Requests the Secretary-General to invite the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to participate in the work of the Ad Hoc Committee;

2/ Ibid., para. 91.

"5. Decides that the Ad Hoc Committee will meet from ... to ... 1995, and requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

"6. Requests the Secretary-General to present to the Ad Hoc Committee a preliminary report with provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court;

"7. Decides to include in the provisional agenda of its fiftieth session an item entitled 'Question of the establishment of an international criminal court'."

18. Amendments to draft resolution A/C.6/49/L.5 were proposed by the delegation of Ghana (A/C.6/49/L.8), by which:

(a) The third preambular paragraph would be deleted;

(b) Operative paragraph 2 would be deleted;

(c) Operative paragraph 3 would be replaced with the following:

"2. Decides to establish an ad hoc committee open to all Member States with the mandate to review the major substantive and administrative issued relating to the establishment of an international criminal court, including issues arising out of the report of the International Law Commission, and to provide its views and conclusions to the General Assembly for transmission to the United Nations conference of plenipotentiaries on an international criminal court";

(d) Operative paragraph 4 would be deleted;

(e) Operative paragraph 5 would be replaced with the following:

"3. Decides that the Ad Hoc Committee will meet for a two-week period in the spring of 1995, and requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work";

(f) Operative paragraph 6 would be renumbered paragraph 4.

(g) A new operative paragraph 5 would be inserted, reading:

"5. Decides to convene a United Nations conference of plenipotentiaries for a period of 4 to 6 weeks in the spring of 1996 to elaborate and adopt the statute of an international criminal court";

(h) A new operative paragraph 6 would be inserted, reading:

"6. Decides also that the draft statute of an international criminal court and commentaries by the International Law Commission, the summary of the debate in the Sixth Committee at the forty-ninth session of the General

Assembly on the report of the International Law Commission, the summary of the debate in, and the report of, the Ad Hoc Committee, as well as the comments of States, shall be transmitted by the Secretary-General to the United Nations Conference of Plenipotentiaries as background documentation for the elaboration and adoption of the statute of an international criminal court";

(i) A new operative paragraph 7 would be inserted, reading:

"7. Accepts with gratitude the offer of the Government of Italy to host the United Nations Conference of Plenipotentiaries on the elaboration and adoption of the statute of an international criminal court in the spring of 1996";

(j) Operative paragraph 7 would be renumbered paragraph 8.

19. The Committee also had before it a draft resolution entitled "United Nations Conference to Establish an International Criminal Court" (A/C.6/49/L.6) submitted by Argentina, Australia, Belarus, Belgium, Canada, Denmark, Finland, Iceland, Italy, Jamaica, Malaysia, New Zealand, Norway, Poland, the Russian Federation, Sweden and Trinidad and Tobago, later joined by the Bahamas, Chile, Ireland, Panama, Portugal and Spain which read:

"The General Assembly,

"Recalling its resolutions 45/41 of 28 November 1990 and 46/54 of 9 December 1991 in which it requested the International Law Commission to consider the question of international criminal jurisdiction, including the possibility of establishing an international criminal court or other criminal mechanism,

"Recalling further its resolution 47/33 of 25 November 1992 in which it charged the International Law Commission with the project of the elaboration of a draft statute for an international criminal court,

"Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work as a matter of priority with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session,

"Noting that the International Law Commission, at its 2374th meeting, adopted the text of such a statute and decided at its 2376th meeting to recommend, in accordance with article 23 of its statute, that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,

"Recalling that article VI of the Convention on the Prevention and Punishment of the Crime of Genocide 3/ of 1948 refers to the possibility of trial of individuals by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction,

"Recalling also that the Security Council, in its resolution 827 (1993) of 25 May 1993, creating an ad hoc tribunal to prosecute persons for grievous violations of international humanitarian law committed in the territory of the former Yugoslavia, stated its belief that the establishment of such a tribunal would contribute to ensuring that the violations ended and the perpetrators were brought to justice,

"Convinced that international cooperation in the effective prosecution and suppression of crimes of international concern will be assisted by the creation of a permanent international criminal court,

"1. Decides to convene a United Nations conference at the highest possible level of participation in 1996;

"2. Affirms that the Conference should conclude a Convention on the Establishment of an International Criminal Court;

"3. Decides to establish a Preparatory Committee of the General Assembly open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;

"4. Decides that the Preparatory Committee shall hold an organizational session early in 1995 and substantive sessions in 1995 and 1996, all at United Nations Headquarters in New York, the timing and duration of which shall be determined by the Preparatory Committee at its organizational session;

"5. Decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographic representation, the Chairman and other members of its bureau;

"6. Requests the Secretary-General of the United Nations to make appropriate secretariat arrangements;

"7. Decides that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations and within existing resources;

"8. Decides to establish a voluntary fund for the purpose of supporting developing countries, in particular the least developed among them, in participating fully and effectively in the Conference and in its preparatory process, and invites Governments to contribute to the fund;

3/ Resolution 260 A (III), annex.

"9. Requests the Chairman of the Preparatory Committee to report to the General Assembly at its fiftieth session on the progress of the work of the Committee;

"10. Decides to include in the provisional agenda of its fiftieth and fifty-first sessions an item entitled 'United Nations Conference to Establish an International Criminal Court'."

20. At the 40th meeting, on 25 November, the representative of France introduced a draft resolution entitled "Establishment of an international criminal court" (A/C.6/49/L.24).

21. At the same meeting, the representative of the United States, on behalf of the sponsors of draft resolution A/C.6/49/L.5, and the representative of Canada, on behalf of the sponsors of draft resolution A/C.6/49/L.6, announced that those draft resolutions were being withdrawn in favour of draft resolution A/C.6/49/L.24.

22. At the 41st meeting, on 29 November, it was announced that the amendments submitted by Ghana (A/C.6/49/L.8) to draft resolution A/C.6/49/L.5 had been withdrawn.

23. Also at the 41st meeting, the representative of Ghana introduced amendments (A/C.6/49/L.26) to draft resolution A/C.6/49/L.24, by which:

(a) Operative paragraph 6 would be replaced with the following:

"6. Decides, on the basis of the conclusions of the ad hoc committee, to convene a United Nations conference of plenipotentiaries not later than 1997 to elaborate and adopt a statute of an international criminal court";

(b) A new operative paragraph 7 would be inserted, reading:

"7. Further decides that the draft statute of an international criminal court and commentaries by the International Law Commission, the summary of the debate in the Sixth Committee at the forty-ninth session of the General Assembly on the report of the Commission, the summary of the debate in, and the report of, the ad hoc committee, as well as the comments of States, shall be transmitted by the Secretary-General to the United Nations conference of plenipotentiaries as background documentation for the elaboration and adoption of the statute of an international criminal court";

(c) A new operative paragraph 8 would be inserted, reading:

"8. Decides also to include in the provisional agenda of its fiftieth session an item entitled Establishment of an international criminal court".

24. The representative of Malaysia made a statement in explanation of position on the amendments submitted by Ghana (A/C.6/49/L.26) (see A/C.6/49/SR.41).

25. At the same meeting, the Secretary of the Committee made a statement on the conference servicing implications of draft resolution A/C.6/49/L.24.

26. Also at the 41st meeting, the representative of Norway, on behalf of the Nordic countries, moved, within the terms of rule 116 of the rules of procedure, that no action be taken on the amendments contained in document A/C.6/49/L.26. The representatives of France and India spoke in favour of the motion. The representatives of Ghana and Nigeria spoke against the motion.

27. The motion was then adopted by a recorded vote of 58 to 29, with 36 abstentions. The voting was as follows: 4/

In favour: Australia, Austria, Azerbaijan, Bahrain, Barbados, Belarus, Belgium, Bulgaria, Canada, China, Costa Rica, Denmark, Fiji, Finland, France, Georgia, Germany, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Luxembourg, Malta, Marshall Islands, Morocco, Nepal, Netherlands, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Slovakia, Spain, Sri Lanka, Sweden, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan.

Against: Angola, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Chile, Colombia, Cuba, Djibouti, Ecuador, Ethiopia, Ghana, Guatemala, Guinea, Libyan Arab Jamahiriya, Malaysia, Mali, Namibia, Niger, Nigeria, Paraguay, Senegal, Sierra Leone, South Africa, Sudan, Uruguay, Venezuela, Zambia.

Abstaining: Algeria, Argentina, Bangladesh, Brunei Darussalam, Cameroon, Congo, Côte d'Ivoire, Cyprus, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Kazakhstan, Kenya, Lesotho, Malawi, Mauritius, Mexico, Mongolia, Mozambique, Pakistan, Panama, Peru, Philippines, Singapore, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Zimbabwe.

28. The representatives of Brazil and the Sudan made statements in explanation of position on the motion (see A/C.6/49/SR.41).

29. In view of the adoption of the motion submitted by the representative of Norway on behalf of the Nordic countries, the Committee took no action on the amendments submitted by Ghana (A/C.6/49/L.26).

4/ The representative of Poland indicated that, had he not been prevented from voting by the fact that he was acting as Chairman when the motion was put to the vote, he would have voted in favour of the motion.

30. The Committee then adopted draft resolution A/C.6/49/L.24 without a vote (see para. 32, draft resolution III).

31. Statements in explanation of position were made by the representatives of Nigeria, Italy, New Zealand, Fiji, Australia and the United States of America (see A/C.6/49/SR.41).

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

32. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the International Law Commission on the work of its forty-sixth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-sixth session, 5/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations 6/ and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

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5/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10).

6/ Resolution 2625 (XXV), annex.

Recognizing the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-sixth session; 5/

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session, in particular for the completion of a draft statute for an international criminal court and the adoption of final draft articles on the law of the non-navigational uses of international watercourses;

3. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. Notes the intentions of the International Law Commission for the programme of work for the remainder of the current term of office of its members, 7/ and urges the Commission to resume at its forty-seventh session the work on the draft Code of Crimes against the Peace and Security of Mankind and on State responsibility in such a manner that the second reading of the draft Code and the first reading of the articles on State responsibility may be completed before the end of the present term of office of the members of the Commission;

5. Requests the Secretary-General to update the survey of State practice relevant to international liability for injurious consequences arising out of acts not prohibited by international law, prepared by the Secretariat in 1984, 8/ as a useful contribution to the ongoing work of the Commission on the topic;

6. Endorses the intention of the International Law Commission to undertake work on the topics "The law and practice relating to reservations to treaties" and "State succession and its impact on nationality of natural and legal persons", on the understanding that the final form to be given to the work on these topics shall be decided after a preliminary study is presented to the General Assembly, and, in connection with the latter topic, requests the

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7/ See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para. 390.

8/ Yearbook of the International Law Commission, 1985, vol. II, part I, (addendum).

Secretary-General to invite Governments to submit by 1 March 1995 relevant materials including national legislation, decisions of national tribunals and diplomatic and official correspondence relevant to the topic;

7. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work;

8. Requests the International Law Commission:

(a) To consider thoroughly:

(i) The planning of its activities and programme for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

(ii) Its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

9. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in its report, 9/ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

10. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

11. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars, from within existing resources, with adequate services, including interpretation, as required;

9/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para. 402.

12. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-ninth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

13. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

14. Also recommends that the debate on the report of the International Law Commission at the fiftieth session of the General Assembly commence on 23 October 1995.

DRAFT RESOLUTION II

Draft articles on the law of the non-navigational uses of international watercourses

The General Assembly,

Having considered chapter III of the report of the International Law Commission on the work of its forty-sixth session, 10/ which contains final draft articles of and commentaries on the law of the non-navigational uses of international watercourses,

Noting that the Commission decided to recommend the draft articles to the General Assembly, and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,

Mindful of Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that successful codification and progressive development of the rules of international law governing the non-navigational uses of international watercourses would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

Taking into account the existence of bilateral or multilateral agreements governing the non-navigational uses of international watercourses, which should not be affected by the adoption of a new international instrument unless the parties to those agreements have otherwise decided,

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10/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10).

Also taking into account the fact that, despite the existence of a number of bilateral treaties and regional agreements, the use of international watercourses is still based in part on general principles and rules of customary law,

1. Expresses its appreciation to the International Law Commission for its valuable work on the law of the non-navigational uses of international watercourses, and to the successive special rapporteurs for their contribution to that work;

2. Invites States to submit, not later than 1 July 1996, written comments and observations on the draft articles adopted by the International Law Commission;

3. Decides that, at the beginning of its fifty-first session, the Sixth Committee shall convene as a Working Group of the Whole, open to States Members of the United Nations or members of specialized agencies, for three weeks from 7 to 25 October 1996 to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission in the light of the written comments and observations of States and views expressed in the debate at the forty-ninth session of the General Assembly;

4. Also decides that the Working Group of the Whole shall, without prejudice to the rules of procedure of the General Assembly, follow the methods of work and procedures outlined in the annex to the present resolution, subject to any modifications which it may deem appropriate;

5. Requests the Secretary-General to arrange for the presence of the Special Rapporteur on the law of the non-navigational uses of international watercourses as an expert during the debates on the topic at the fifty-first session of the General Assembly, and to submit at that session all relevant documentation;

6. Decides to include in the provisional agenda of its fifty-first session an item entitled "Convention on the law of the non-navigational uses of international watercourses".

ANNEX

Methods of work and procedures

The draft articles prepared by the International Law Commission shall be the basic proposal before the Working Group of the Whole.

The Working Group of the Whole shall start at once with a discussion of the draft articles on an article-by-article basis, without prejudice to the possibility of considering simultaneously closely connected articles, the decisions on article 2, "Use of terms", being reserved for the concluding stages of the work.

The Working Group of the Whole shall establish a Drafting Committee.

Once considered by the Working Group of the Whole, each article or group of articles shall be referred to the Drafting Committee for examination in the light of the discussion.

The Drafting Committee shall make recommendations to the Working Group of the Whole in relation to each article or group of articles. It shall also prepare and present to the Working Group of the Whole, for its approval, a draft preamble and a set of final clauses.

The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.

DRAFT RESOLUTION III

Establishment of an international criminal court

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992, in which it requested the International Law Commission to undertake the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of the draft statute for an international criminal court, with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,

Noting that the International Law Commission adopted a draft statute for an international criminal court at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,

Expressing deep appreciation for the offer of the Government of Italy to host a conference on the establishment of an international criminal court,

1. Welcomes the report of the International Law Commission on the work of its forty-sixth session, 11/ including the recommendations contained therein;

2. Decides to establish an ad hoc committee open to all States Members of the United Nations or members of specialized agencies to review the major substantive and administrative issues arising out of the draft statute prepared

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11/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10).

by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries;

3. Also decides that the ad hoc committee will meet from 3 to 13 April 1995 and, if it so decides, from 14 to 25 August 1995, and submit its report to the General Assembly at the beginning of its fiftieth session, and requests the Secretary-General to provide the ad hoc committee with the necessary facilities for the performance of its work;

4. Invites States to submit to the Secretary-General, before 15 March 1995, written comments on the draft statute for an international criminal court, and requests the Secretary-General to invite such comments from relevant international organs;

5. Requests the Secretary-General to submit to the ad hoc committee a preliminary report with provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court;

6. Decides to include in the provisional agenda of its fiftieth session an item entitled "Establishment of an international criminal court", in order to study the report of the ad hoc committee and the written comments submitted by States and to decide on the convening of an international conference of plenipotentiaries to conclude a convention on the establishment of an international criminal court, including on the timing and duration of the conference.

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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SEVENTH SESSION

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNÁNDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session" was included in the provisional agenda of the forty-ninth session of the General Assembly pursuant to Assembly resolution 48/32 of 9 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. For its consideration of the item, the Sixth Committee had before it the following documents:

(a) Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session; 1/

(b) Report of the Secretary-General on the implementation of paragraphs 5 and 6 of resolution 48/32 (A/49/427).

4. The Sixth Committee considered the item at its 3rd to 5th, 36th and 37th meetings, on 26, 29 and 30 September and 16 and 17 November 1994. The summary

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 and corrigendum (A/49/17 and Corr.1).

records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/48/SR.3-5, 36 and 37).

5. At the 3rd meeting, on 26 September, the Chairman of the United Nations Commission on International Trade Law at its twenty-seventh session, introduced the Commission's report on the work of that session.

6. At the 5th meeting, on 30 September, the Chairman of the Commission made a closing statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/49/L.11

7. At the 36th meeting, on 16 November, the representative of Austria, on behalf of Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Cambodia, Canada, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Finland, France, Germany, Honduras, Hungary, Italy, Morocco, Nicaragua, Norway, Poland, Portugal, the Russian Federation, Singapore, Slovakia, Sweden, Thailand, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Model Law on Procurement of Goods, Construction and Services of the United Nations Commission on International Trade Law" (A/C.6/49/L.11). Subsequently, Bulgaria and Guatemala joined in sponsoring the draft resolution.

8. At its 37th meeting, on 17 November, the Committee adopted draft resolution A/C.6/49/L.11 without a vote (see para. 12, draft resolution I).

B. Draft resolution A/C.6/49/L.13

9. At the 36th meeting on 16 November, the representative of Austria, on behalf of Algeria, Argentina, Australia, Austria, Belgium, Belize, Brazil, Cambodia, Canada, China, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Finland, France, Germany, Greece, Honduras, Hungary, Italy, Japan, Morocco, Myanmar, Nicaragua, Norway, Portugal, Singapore, Slovakia, Sweden and Thailand, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session" (A/C.6/49/L.13). Subsequently, Guatemala, Iceland, India, Turkey and Uruguay joined in sponsoring the draft resolution.

10. At its 37th meeting, on 17 November, the Committee adopted draft resolution A/C.6/49/L.13 without a vote (see para. 12, draft resolution II).

11. The representative of the Russian Federation made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/49/SR.37).

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

12. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Model Law on Procurement of Goods, Construction and Services of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Noting that procurement constitutes a large portion of public expenditure in most States,

Recalling the completion and adoption by the United Nations Commission on International Trade Law at its twenty-sixth session of the Model Law on Procurement of Goods and Construction, 2/

Recalling also the decision of the Commission at the twenty-sixth session to draw up model legislative provisions on procurement of services, while leaving intact the Model Law on Procurement of Goods and Construction of the United Nations Commission on International Trade Law,

Noting that model legislative provisions on procurement of services establishing procedures designed to foster integrity, confidence, fairness and transparency in the procurement process will also promote economy, efficiency and competition in procurement and thus lead to increased economic development,

Being of the opinion that the establishment of model legislative provisions on procurement of services that are acceptable to States with different legal, social and economic systems contributes to the development of harmonious international economic relations,

Convinced that model legislative provisions on services contained in a consolidated text dealing with procurement of goods, construction and services will significantly assist all States, including developing countries and States whose economies are in transition, in enhancing their existing procurement laws and formulating procurement laws where none presently exist,

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2/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 and corrigendum (A/48/17 and Corr.1), annex I.

1. Takes note with satisfaction of the completion and adoption by the United Nations Commission on International Trade Law of the Model Law on Procurement of Goods, Construction and Services 3/ together with the Guide to Enactment of the Model Law; 4/

2. Recommends that, in view of the desirability of the improvement and uniformity of the laws of procurement, all States give favourable consideration to the Model Law when they enact or revise their procurement laws;

3. Recommends also that all efforts be made to ensure that the Model Law together with the Guide become generally known and available.

DRAFT RESOLUTION II

Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session, 5/

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International law, inter alia, as regards the dissemination of international trade law,

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3/ Ibid., Forty-ninth Session, Supplement No. 17 (A/49/17), annex I.

4/ A/CN.9/394.

5/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 and corrigendum (A/49/17 and Corr.1).

Concerned about the relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, owing in part to inadequate resources to finance the travel of such experts,

Having considered the report of the Secretary-General, 6/

Concerned about the fact that the need for and interest in the training and assistance programme of the Commission can only partially be met, in view of the limited human and financial resources available, and that the work of the Secretariat in the context of the Case-Law on the United Nations Commission on International Trade Law Texts would substantially increase as the number of the court decisions and arbitral awards covered thereby grows,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session;

2. Welcomes the ongoing work of the Commission, as described in its report on the work of its twenty-seventh session and appreciates the many proposals on possible future work made during the Congress on International Trade Law of the United Nations Commission on International Trade Law, held in New York from 18 to 22 May 1992;

3. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law, and, in this connection, recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other intergovernmental and non-governmental organizations, including regional organizations, active in the field of international trade law;

4. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law;

5. Expresses the desirability for the Commission to sponsor seminars and symposia to provide such training and assistance, and, in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars in Argentina, Brazil, Mongolia, Kyrgyzstan, Pakistan, Turkey and Sri Lanka, as well as in Botswana, Kenya, Namibia, Uganda, the United Republic of Tanzania and Zimbabwe, and for assisting the Pacific Economic Cooperation Council with its initiative to provide harmonization of international trade law in the Asia-Pacific region;

6/ A/49/427.

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars to take place, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for the United Nations Commission on International Trade Law symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

(c) Appeals to the United Nations Development Programme and other United Nations bodies responsible for development assistance to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

6. Welcomes the completion of the setting up of the trust fund for the United Nations Commission on International Trade Law to grant travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, pursuant to paragraph 5 of its resolution 48/32 of 9 December 1993;

7. Appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund referred to in paragraph 6 above;

8. Decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue its consideration in the competent Main Committee during the forty-ninth session of the General Assembly on granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

9. Requests the Secretary-General to ensure that adequate resources are allocated for the effective implementation of the programmes of the Commission;

10. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

11. Requests the Secretary-General to submit a report on the implementation of paragraph 8 above to the General Assembly at its fiftieth session.

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REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNÁNDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the forty-ninth session of the General Assembly pursuant to paragraph 9 of Assembly resolution 48/35 of 9 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) The report of the Committee on Relations with the Host Country; 1/

(b) Letter dated 11 September 1994 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/49/377-S/1994/1047);

(c) Letter dated 14 October 1994 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (A/49/548-S/1994/1184);

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 26 (A/49/26).

(d) Letter dated 23 October 1994 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/49/569-S/1994/1210).

4. The report of the Committee on Relations with the Host Country was introduced by its Chairman at the 39th meeting, on 23 November 1994.

5. The Sixth Committee considered the item at its 39th meeting, on 23 November 1994. The summary record of this meeting contains the views of the representatives who spoke during the Committee's consideration of the item (see A/C.6/49/SR.39).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/49/L.15

6. At the 39th meting, on 23 November, the representative of Cyprus, on behalf of Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Cyprus and the Russian Federation, later joined by France, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/49/L.15) and orally revised operative paragraph 6, which had read:

> "6. Welcomes also the measures taken at the ports of entry by the host country at the request of Member States, as well as the efforts of the Committee for health coverage of the United Nations community"

to read as follows:

> "6. Welcomes also the measures taken at the ports of entry by the host country at the request of Member States, as well as the efforts of the Committee to explore the possibilities for the diplomatic community to be provided with more affordable dental and health services".

7. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.15, as orally amended, without a vote (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 2/

2/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 26 (A/49/26).

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations 3/ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations 4/ and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 73 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and expresses the hope that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

3. Expresses its appreciation for the efforts made by the host country, and hopes that problems raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. Voices its concern that the amount of financial indebtedness resulting from non-compliance with contractual obligations of certain missions accredited to the United Nations has increased to alarming proportions, reminds all permanent missions to the United Nations, their personnel and Secretariat personnel of their responsibilities to meet such obligations, and expresses the hope that the efforts undertaken by the Committee, in consultation with all concerned, will lead to a solution of this problem;

5. Welcomes the lifting of travel controls by the host country with regard to certain missions and staff members of the Secretariat of certain nationalities, and expresses the hope that the remaining travel restrictions will be removed by the host country as soon as possible, and in this regard notes the positions of the affected States, of the Secretary-General and of the host country;

6. Welcomes also the measures taken at the ports of entry by the host country at the request of Member States, as well as the efforts of the Committee

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3/ Resolution 22 A (I).

4/ See resolution 169 (II).

to explore the possibilities for the diplomatic community to be provided with more affordable dental and health services;

7. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

9. Decides to include in the provisional agenda of its fiftieth session the item entitled "Report of the Committee on Relations with the Host Country".

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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNANDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the forty-ninth session of the General Assembly pursuant to Assembly resolution 48/36 of 9 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ which was introduced by the Chairman of the Special Committee at the 7th meeting of the Committee, on 6 October 1994. The report, inter alia, contained the text of a draft Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, 2/ which the Special Committee was submitting to the General Assembly for consideration and adoption.

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

2/ Ibid., para. 89.

4. The following communications were also circulated under the item:

(a) Letter dated 29 December 1993 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General (A/49/56-S/26926);

(b) Letter dated 25 June 1994 from the Minister for Foreign Affairs of Egypt addressed to the Secretary-General transmitting the texts of the documents adopted by the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994 (A/49/287-S/1994/894 and Corr.1);

(c) Letter dated 17 October 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/49/532-S/1994/1179);

(d) Letter dated 18 November 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/C.6/49/5).

5. The Sixth Committee considered the item at its 7th to 12th, 39th and 40th meetings, on 6 and 10 to 14 October and 23 and 25 November 1994. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/49/SR.7-12, 39 and 40).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/49/L.12

6. At the 39th meeting, on 23 November 1994, the representative of the Russian Federation, on behalf of Algeria, Argentina, Australia, Belarus, Belgium, Bulgaria, the Czech Republic, Denmark, Egypt, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, New Zealand, Norway, Slovakia, Slovenia, Sweden and Uzbekistan, introduced a draft resolution entitled "Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security". Subsequently, Armenia, Austria, Japan, Nigeria and Portugal joined in sponsoring the draft resolution (see para. 17, draft resolution I).

7. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.12 without a vote (see para. 17, draft resolution I).

8. The representatives of Mexico, Israel, Colombia, Cuba and Guatemala made statements in explanation of position after the adoption of the draft resolution (see A/C.6/49/SR.39 and 40).

B. Draft resolution A/C.6/49/L.3

9. The Sixth Committee had before it a draft resolution (A/C.6/49/L.3), sponsored by Poland, later joined by Argentina, Armenia, Australia, Belize, Bolivia, Cameroon, Chile, Costa Rica, Georgia, Guatemala, Honduras, Latvia, Lebanon, Lithuania, the Federated States of Micronesia, Mongolia, Nicaragua, Niger, Nigeria, Panama, Papua New Guinea, the Republic of Moldova, Romania, San Marino, Senegal, Turkey and Venezuela, which read as follows:

"The General Assembly,

"Taking into account the fact that in 1995 the United Nations will celebrate the fiftieth anniversary of the Organization,

"Recalling that the founders of the United Nations included in the Charter certain provisions relating to transitional security arrangements, which are set out in Article 107 and in the relevant parts of Article 53,

"Noting that during the entire existence of the Organization those provisions have never been invoked,

"Noting also that the States to which those provisions had been directed are peace-loving Members of the United Nations,

"Noting further that those States represent a potential and valuable asset in all the endeavours of the United Nations, particularly in the maintenance of international peace and security,

"Considering that the provisions of Article 107 and parts of Article 53 have become obsolete and have for decades had no practical significance,

"1. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session to be held in 1995, to consider, on a priority basis, the question of the deletion of the so-called 'enemy-State' clauses of the Charter of the United Nations, contained in Article 107 and Article 53, paragraphs 1 and 2, and to recommend to the General Assembly the most appropriate legal action to be taken on this question at its fiftieth session;

"2. Decides to include in the provisional agenda of its fiftieth session an item entitled 'Question of the deletion of the so-called "enemy-State" clauses of the Charter of the United Nations, contained in Article 107 and Article 53, paragraphs 1 and 2'."

10. At the 38th meeting, on 18 November 1994, draft resolution A/C.6/49/L.3 was withdrawn.

11. At the 40th meeting, on 25 November 1994, the representative of Egypt, on behalf of Australia, Brazil, Bulgaria, Colombia, Croatia, Ecuador, Ethiopia, Finland, Germany, Indonesia, Morocco, New Zealand, Nigeria, Poland, the Republic of Moldova, Romania, Tunisia, Ukraine and the United Republic of Tanzania,

introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/49/L.18). Subsequently, Italy, Japan, Kenya, Maldives, the Federated States of Micronesia, the Philippines, Portugal, Spain and Uruguay joined in sponsoring the draft resolution (see para. 17, draft resolution II).

12. At the same meeting, the representative of the Democratic People's Republic of Korea requested a separate vote on the last preambular paragraph and on operative paragraph 4 (c) of the draft resolution.

13. The representative of Poland, under rule 129 of the rules of procedure of the General Assembly, objected to the motion for division.

14. The motion was rejected by a recorded vote of 103 to 3, with 7 abstentions, as follows:

In favour: Cuba, Democratic People's Republic of Korea, Sudan.

Against: Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Abstaining: Benin, China, Ghana, Haiti, Iran (Islamic Republic of), Mozambique, Swaziland.

15. Draft resolution A/C.6/49/L.18 was adopted by a recorded vote of 117 to none, with 1 abstention, as follows: 3/

In favour: Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark,

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3/ Subsequently, the delegation of Paraguay indicated that it had intended to vote in favour of the draft resolution.

Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Democratic People's Republic of Korea.

16. The representatives of the United Kingdom of Great Britain and Northern Ireland, the Sudan, Japan, China, Algeria, Cuba and the Russian Federation made statements in explanation of vote.

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

17. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

The General Assembly,

Recalling its resolutions 46/58 of 9 December 1991, 47/38 of 25 November 1992 and 48/36 of 9 December 1993,

Taking note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 4/ which met in New York from 7 to 25 March 1994 and completed a draft Declaration

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4/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Convinced that the adoption of the Declaration will contribute towards strengthening the role and enhancing the effectiveness of the United Nations and of the regional arrangements or agencies in the maintenance of international peace and security,

Considering the need to ensure a wide dissemination of the text of the Declaration,

Convinced that the Declaration will be a major and specific contribution of the Special Committee to the activities within the United Nations Decade of International Law,

1. Approves the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, the text of which is annexed to the present resolution;

2. Expresses its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration;

3. Requests the Secretary-General to inform the Governments of the States Members of the United Nations or members of specialized agencies, the Security Council and regional arrangements or agencies which have observer status in the General Assembly of the adoption of the Declaration;

4. Urges that every effort be made to ensure that the Declaration becomes generally known and fully implemented.

ANNEX

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

The General Assembly,

Recalling the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular the provisions of Chapter VIII of the Charter,

Recalling also that resort to regional arrangements or agencies is among the means referred to in Chapter VI of the Charter for the peaceful settlement of disputes,

Recognizing that regional arrangements or agencies can play an important role in preventive diplomacy and in enhancing regional and international cooperation,

Recognizing also the importance of the role of regional arrangements or agencies in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such regional arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations,

Taking into account the experience gained and the favourable results achieved by regional arrangements or agencies in the peaceful settlement of disputes in different parts of the world,

Bearing in mind the variety of mandates, scope and composition of regional arrangements or agencies,

Considering that action at the regional level can contribute to the maintenance of international peace and security,

Emphasizing that respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State is crucial to any common endeavour to promote international peace and security,

Emphasizing also that peace-keeping activities undertaken by regional arrangements or agencies should be conducted with the consent of the State in the territory of which such activities are carried out,

Stressing the primary responsibility of the Security Council, under Article 24 of the Charter, for the maintenance of international peace and security,

Emphasizing that the efforts made by regional arrangements or agencies, in their respective fields of competence, in cooperation with the United Nations can usefully complement the work of the Organization in the maintenance of international peace and security,

Stressing the need to enhance cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Considering that such enhanced cooperation between the United Nations and regional arrangements or agencies would promote collective security in accordance with the Charter,

Solemnly declares that:

1. In accordance with the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular Chapter VIII of the Charter:

(a) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council;

(b) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council;

(c) The above provisions in no way impair the application of Articles 34 and 35 of the Charter;

(d) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council;

(e) The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security;

2. Regional arrangements or agencies can, in their fields of competence and in accordance with the Charter of the United Nations, make important contributions to the maintenance of international peace and security, including, where appropriate, through the peaceful settlement of disputes, preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building;

3. Cooperation between regional arrangements or agencies and the United Nations, in the maintenance of international peace and security, may take various forms, including, inter alia:

(a) Exchange of information and the holding of consultations at all levels;

(b) Participation as appropriate in the work of the United Nations organs, in accordance with the applicable rules of procedure and practices;

(c) Making available personnel, material and other assistance, where appropriate;

4. Cooperation between regional arrangements or agencies and the United Nations should be in accordance with their respective mandates, scope and composition and should take place in forms that are suited to each specific situation, in accordance with the Charter;

5. Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council;

6. States participating in regional arrangements or agencies are encouraged to consider the possibility of increasing efforts at the regional level for the maintenance of international peace and security in accordance with the Charter;

7. States participating in regional arrangements or agencies are encouraged to promote confidence-building at the regional level for the maintenance of international peace and security;

8. States participating in regional arrangements or agencies are encouraged to consider the possibility of using or, where appropriate, establishing or improving at the regional level procedures and mechanisms for the early detection, the prevention and the peaceful settlement of disputes, in close coordination with the preventive efforts of the United Nations;

9. Regional arrangements or agencies are encouraged to consider, as appropriate, in their fields of competence, ways and means for promoting closer cooperation and coordination with the United Nations with the aim of contributing to the fulfilment of the purposes and principles of the Charter, including in the fields of preventive diplomacy, peacemaking and post-conflict peace-building, and where appropriate, peace-keeping;

10. Regional arrangements or agencies are encouraged to consider, in their fields of competence, the possibility of establishing and training groups of military and civilian observers, fact-finding missions and contingents of peace-keeping forces, for use as appropriate, in coordination with the United Nations and, when necessary, under the authority or with the authorization of the Security Council, in accordance with the Charter;

11. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 5/ the Manila Declaration on the Peaceful Settlement of International Disputes, 6/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 7/ the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field 8/ and the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security 9/ are hereby reaffirmed together with their provisions concerning the activities of regional arrangements or agencies in the maintenance of international peace and security;

5/ General Assembly resolution 2625 (XXV), annex.

6/ General Assembly resolution 37/10, annex.

7/ General Assembly resolution 42/22, annex.

8/ General Assembly resolution 43/51, annex.

9/ General Assembly resolution 46/59, annex.

12. Nothing in the present Declaration is to be construed as prejudicing in any manner the provisions of the Charter.

DRAFT RESOLUTION II

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Welcoming the first report of the open-ended working group on the question of equitable representation on and increase in the membership of the Security Council that was established in accordance with General Assembly resolution 48/26 of 3 December 1993,

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 10/ thirty-ninth, 11/ fortieth, 12/ forty-first, 13/ forty-second, 14/ forty-third, 15/ forty-fourth, 16/ forty-fifth, 17/ forty-sixth, 18/ forty-

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10/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

11/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

12/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

13/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

14/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

15/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

16/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

17/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

18/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

seventh, 19/ forty-eighth, 20/ and forty-ninth 21/ sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization contained in its resolution 47/120 B of 20 September 1993,

Noting the discussions in the Security Council towards strengthening the consultative process in accordance with Article 50 of the Charter with a view to minimizing special economic problems of countries adversely affected as a result of their implementation of preventive or enforcement measures under Chapter VII of the Charter,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals submitted to the General Assembly at its forty-ninth session aimed at strengthening the role of the Organization, enhancing its effectiveness and achieving equitable representation in the Security Council and increasing its membership,

Having considered the report of the Special Committee on the work of its session held in 1994, 22/

Expresses its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

Recalling that the Charter of the United Nations contains references in Article 53 and Article 107 to particular security arrangements concerning certain States,

Noting that the States to which those references have been directed are members of the United Nations and represent a valuable asset in all the endeavours of the Organization,

Considering that the provisions of Article 107 and parts of Article 53 have become obsolete,

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19/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

20/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

21/ Ibid., Forty-ninth Session, Supplement No. 1 (A/49/1).

22/ Ibid., Supplement No. 33 (A/49/33).

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 22/

2. Decides that the Special Committee will hold its next session from 27 February to 10 March 1995;

3. Invites the Secretary-General to submit, before the session of the Committee in 1995, a report on the question of the implementation of the provisions of the Charter, including Article 50, related to the special economic problems confronting States and arising from the carrying out of sanctions mandated under Chapter VII of the Charter, analysing the proposals and suggestions on this issue contained in the report of the Committee on its 1994 session, 13/ giving due attention to the possible practical ways and means of carrying any of them out;

4. Requests the Special Committee, at its session in 1995, in accordance with the provisions of paragraph 5 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To continue to consider on a priority basis proposals on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, including the working paper submitted in this regard to the Special Committee during its last session; 23/

(ii) To consider other specific proposals relating to the maintenance of international peace and security already submitted or which might be submitted to the Special Committee at its session in 1995, including the proposal on the strengthening of the role of the Organization and enhancement of its efficiency and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council with regard to the maintenance of international peace and security;

(b) To continue its work on the question of the peaceful settlement of disputes between States and in this context:

(i) To continue its consideration of the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To continue its consideration of other specific proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in dispute and those proposals

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23/ A/AC.182/L.79.

relating to the enhancement of the role of the International Court of Justice;

(c) To consider the question of the deletion of the "enemy-State" clauses of the Charter of the United Nations, contained in Article 107 and Article 53, paragraphs 1 and 2, and to recommend to the General Assembly at its fiftieth session the most appropriate legal action to be taken on this question;

(d) To continue its consideration of the question of the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security;

5. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever this has significance for the outcome of its work;

6. Decides that the Special Committee shall continue to accept the participation of observers of Member States in its meetings, including those of its Working Group, and also decides that the Special Committee shall be authorized to invite other States or intergovernmental organizations to participate in the debate in its plenary meetings on specific items where it considers that such participation would assist in its work;

7. Requests the Special Committee at its next session to continue its review of its membership, to consider in particular the proposal on the full participation of all Member States in its work and to report on this matter to the General Assembly at its fiftieth session;

8. Also requests the Special Committee to submit a report on its work to the General Assembly at the fiftieth session;

9. Decides to include in the provisional agenda of its fiftieth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNANDEZ de GURMENDI (Argentina)

Corrigendum

Page 3, paragraph 9

The beginning of paragraph 9 should read

9. The Sixth Committee initially had before it a draft resolution (A/C.6/49/L.3), sponsored by Poland, later joined by Argentina, Armenia, Australia, Belarus, Belize, Bolivia, Cameroon, Chile, Costa Rica, Ecuador, Georgia, Guatemala, Guinea, Guyana, Honduras, Kenya, Latvia, Lebanon, Lithuania, the Federated States of Micronesia, Mongolia, New Zealand, Nicaragua, Niger, Nigeria, Panama, Papua New Guinea, the Philippines, Portugal, the Republic of Moldova, Romania, San Marino, Senegal, Slovakia, South Africa, Spain, Turkey and Venezuela, which read as follows:

94-48815 (E) 071294 08/12/94